

MINUTES

REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 2, 2014
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 P.M.

4:00 P.M. MEETING

1. CALL TO ORDER

Mayor Nabours called the meeting to order at 4:02 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. ROLL CALL

One or more councilmembers may be in attendance telephonically or by other technological means.

PRESENT

Mayor Jerry Nabours
Vice Mayor Coral Evans
Councilmember Celia Barotz
Councilmember Karla Brewster
Councilmember Jeff Oravits
Councilmember Scott Overton
Councilmember Mark Woodson

ABSENT

None

Others present: City Manager Kevin Burke; Deputy City Attorney Sterling Solomon.

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The City Council and audience recited the Pledge of Allegiance and Mayor Nabours read the City of Flagstaff's Mission Statement.

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- A. Consideration and Approval of Minutes** City Council Work Session of June 10, 2014, and the Regular Meeting of August 25, 2014.

Moved by Councilmember Scott Overton, seconded by Councilmember Karla Brewster to approve the minutes of the City Council Work Session of June 10, 2014, and the Regular Meeting of August 25, 2014.

Vote: 7 - 0 Passed - Unanimously

5. PUBLIC PARTICIPATION

Public Participation enables the public to address the Council about an item that is not on the agenda (or is listed under Possible Future Agenda Items). Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

None

6. PROCLAMATIONS AND RECOGNITIONS

None

7. APPOINTMENTS

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to A.R.S. §38-431.03(A)(1).

None

8. LIQUOR LICENSE PUBLIC HEARINGS

None

9. CONSENT ITEMS

All matters under Consent Agenda are considered by the City Council to be routine and will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.

None

10. ROUTINE ITEMS

- A. Consideration and Approval of Contract:** Approval of Lease Agreement for Red Gap Ranch Grazing (*A lease for grazing sheep on Red Gap Ranch*).

Utilities Director Brad Hill said that this was approval of a lease to allow sheep grazing on Red Gap Ranch. The City maintains two leases--one with the State Land Department and this one between the City and sheep ranchers. The benefit to the City is that it keeps the ranch operation contiguous. If they do not maintain this lease for sheep, then State Land made it clear that they would take their parcels and farm them out for someone else to lease their land, and it is important for the city to have access across its land and State land.

He said that an additional benefit is that this new lease has a fixed fee and it covers the dollars the City has to pay State Land for their lease and a little extra. The lease allows for multiple uses. He said that Red Gap Ranch is a water ranch first and the lease is written to allow those activities to continue.

Mayor Nabours asked that Legal review this to ensure that the City has a broad ability to get into the property.

Moved by Councilmember Jeff Oravits, seconded by Councilmember Mark Woodson to accept the bid and approve the lease agreement as presented with Manterola Sheep Co., Inc. for lease payments of \$5,150 annually; and authorize the City Manager or his designees to execute all necessary documents.

Vote: 7 - 0 Passed - Unanimously

- B. Consideration and Adoption of Ordinance No. 2014-22:** An ordinance setting aside and preserving twenty (20) acres of specific city property for open space and authorizing staff to apply to Coconino County for a rezoning to reflect the preservation. (*Designating property near Schultz Pass Rd. and Mt. Elden Lookout Rd. as open space*)

Moved by Councilmember Mark Woodson, seconded by Councilmember Scott Overton to read Ordinance No. 2014-22 for the final time by title only.

Vote: 7 - 0 Passed - Unanimously

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL SETTING ASIDE, AND PRESERVING APPROXIMATELY 20 ACRES OF SPECIFIC CITY OWNED REAL PROPERTY, AS OPEN SPACE, WHICH PROPERTY IS COMMONLY KNOWN AS THE SHULTZ PROPERTY GENERALLY LOCATED NEAR SHULTZ PASS ROAD AND MT. ELDEN LOOKOUT ROAD (COCONINO COUNTY ASSESSOR'S PARCEL NUMBER 300-47-004), AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Karla Brewster, seconded by Councilmember Mark Woodson to adopt Ordinance No. 2014-22.

Vote: 7 - 0 Passed - Unanimously

- C. Consideration and Adoption of Ordinance No. 2014-23:** An ordinance of the City of Flagstaff setting aside specific City owned property for inclusion in Buffalo Park and restricting the land to uses and improvements consistent with a passive park (*Neighborwoods*) and authorizing staff to rezone the parcel to reflect its new designation. (*Designating property at the north end of San Francisco as open space*)

Moved by Councilmember Scott Overton, seconded by Councilmember Jeff Oravits to read Ordinance No. 2014-23 for the final time by title only.

Vote: 7 - 0 Passed - Unanimously

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL SETTING ASIDE, PRESERVING AND DEDICATING APPROXIMATELY 26.03 ACRES OF SPECIFIC CITY OWNED REAL PROPERTY, TO BE PUBLIC PARK, WHICH PROPERTY IS COMMONLY KNOWN AS THE NORTH SAN FRANCISCO PROPERTY GENERALLY LOCATED NEAR FIR AVENUE AND NORTH SAN FRANCISCO STREET (COCONINO COUNTY ASSESSOR'S PARCEL NUMBER 110-03-001B), TO BE INCLUDED AS PART OF BUFFALO PARK IMMEDIATELY ADJACENT THERETO, AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jeff Oravits, seconded by Councilmember Scott Overton to adopt Ordinance No. 2014-23.

Vote: 7 - 0 Passed - Unanimously

- D. Consideration and Adoption of Ordinance No. 2014-25:** An ordinance authorizing the provision of a ten (10) foot utility easement encumbering parcel number 301-89-001 (Cinder Lake Landfill) and authorizing the City Manager or his designee to execute the necessary documents(***Grant utility easement to APS at the Cinder Lake Landfill***) .

Moved by Councilmember Scott Overton, seconded by Councilmember Karla Brewster to read Ordinance No. 2014-25 by title only for the final time.

Vote: 7 - 0 Passed - Unanimously

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE PROVISION OF A UTILITY EASEMENT ENCUMBERING PARCEL NUMBER 301-89-001 AND BENEFITTING ARIZONA PUBLIC SERVICE ("APS"), AS IS MORE FULLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A, AND PROVIDING AUTHORITY FOR THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS, AND AUTHORITY FOR THE CITY CLERK TO MAKE CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Karla Brewster, seconded by Councilmember Scott Overton to adopt Ordinance No. 2014-25.

Vote: 7 - 0 Passed - Unanimously

RECESS

The Flagstaff City Council meeting of September 2, 2014, recessed at 4:14 p.m.

6:00 P.M. MEETING

RECONVENE

The Flagstaff City Council meeting of September 2, 2014, reconvened at 6:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

13. ROLL CALL

One or more councilmembers may be in attendance telephonically or by other technological means.

PRESENT**ABSENT**

Mayor Jerry Nabours
Vice Mayor Coral Evans
Councilmember Celia Barotz
Councilmember Karla Brewster
Councilmember Jeff Oravits
Councilmember Scott Overton
Councilmember Mark Woodson

None

Others present: City Manager Kevin Burke; Deputy City Attorney Sterling Solomon.

14. PUBLIC PARTICIPATION

None

15. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA

None

16. PUBLIC HEARING ITEMS

None

17. REGULAR AGENDA

- A. Consideration and Approval of Street Closure(s):** 2015 Dew Downtown Flagstaff Urban Ski and Snowboard Festival and **Consideration and Approval of Amplification Exception:** 2015 Dew Downtown Flagstaff Urban Ski and Snowboard Festival

Recreation Supervisor Glorice Pavey reviewed the application, noting that the City had previously issued an RFP to take over this event and they received no response. She reviewed the changes taking place with some of the streets and also noting they had changed the date to January 25-26, 2015, to strategically attract travelers coming to Arizona for the Super Bowl.

She said that they did an extensive public outreach and received comments from approximately ten people, which were included in the staff summary. She said that other staff members were present to address the issues of water, traffic, and sales revenue.

Mr. Hill gave some history on the use of reclaimed water for this event. He said that in December of 2012 Utilities staff contacted ADEQ to see if they could use reclaimed water. In that same month staff received an e-mail stating that given the strict and clear way the rules were written years ago, the use of reclaimed water would not be supported, so with that information staff did not move forward.

He said that there were no deadlines missed, as had been previously commented. In 2014 staff contacted ADEQ again and they said that while there is a path they could apply for its use, they would have to declare San Francisco a direct reuse site, and ADEQ did not think that was an issue. He said that there were clear rules written for other types of land, but the City would have to come up with a plan.

Councilmember Barotz asked if there was any sense of how long such an evaluation would take to put a plan together and be approved. Mr. Hill said that he did not formally ask that question.

Mr. Burke said that he sat in on that conversation with ADEQ and, in short, they are trying to fit a square peg into a round hole. They never contemplated using reclaimed water in this fashion so the rules are not set up that way. The challenge is devising a way to make it "fit into that round hole." On the practical side in making it work, it certainly looks like a much greater expense. He said that the rule seemed the most applicable when the water (snow) stayed on the site, so they would have to figure out a way to capture the runoff and keep it on the site. The rules were not written contemplating reclaimed water being put on the streets.

Councilmember Brewster asked about the amount of water used. Mr. Hill said that they use around 300,000 gallons for the event. From an Utilities perspective, in the average day last year delivering water to the community in December, the volume was 321,000 gallons in one-hour's worth of water. If it was in June, they deliver that amount of water in 36 minutes.

Councilmember Brewster said that it has been well publicized that they were doing this to help downtown businesses overall during the weak sales months. By helping them create revenues, it comes back to the City in the way of sales tax, which allows the City to buy open spaces, improve roads, etc. Mr. Cheema agreed that sales tax does support those things, although he is not involved in the expenditure side of things.

Vice Mayor Evans asked what the increase in sales tax was directly accredited to this event last year. Mr. Cheema said that they do not have that specific information, but overall revenues from sales tax for February was up 22.16% from the prior year, and this was outlined in a CCR provided to Council on July 16, 2014.

Councilmember Overton said that it was a fabulous event and he like it. His only request was that they continue to get private sponsorship to underwrite it as much as possible. He would push ADEQ on this and look at every avenue possible to utilize reclaimed water for the event. He said that they sell reclaimed water to construction companies that put in on the streets all day long. They could demonstrate how the stormwater system works. He would suggest they ask ADEQ to provide for an exception or rewrite the rules.

The following individuals spoke about the Dew Downtown:

- Stuart McDaniel, representing the Flagstaff Greater Chamber of Commerce
- Mark Lamberson, President of the Flagstaff Downtown Business Association
- Moran Henn, representing Friends of Flagstaff's Future
- Adam Shamoni

Comments received included:

- The Chamber members were in favor of this event as it was a large economic development driver. Over the past four years they have seen a double digit growth every year.
- They ask for Council's support of this event.
- It is a Flagstaff event, and so unique to the culture of Flagstaff's history with sledding on Mars Hill and old timers closing streets and piling up snow.
- It is an excellent public/private sponsorship and while they cannot break down the sales tax numbers, they can see that they have compounded the sales taxes every year for the past three years.
- The event has won recognition through the State Recreation and Parks Department for a unique, fun

activity that brings in 10,000 visitors and has an economic impact.

- Friends of Flagstaff's Future greatly support events that put Flagstaff on the map and those that provide fun and meaningful activities, and contribute to the local economy and they commend staff, Council, organizations that work on these events, but they do not feel that the Dew Downtown, as currently organized, can be counted among these.
- This event contradicts the City's efforts in conserving water and asked if there was a policy in place that would allow anyone to request this amount of water for an event, such as dog sledding.
- Would be interested in seeing more information on specifically which businesses this helped, and those which it did not, and they asked why such efforts were not taking place in other parts of the community.
- Thought it was good for business, but was concerned with the water use. Asked if it would be okay to use the event to educate the public about water and the waste of water, or where it goes.

Councilmember Brewster asked if the Flagstaff Downtown Business Improvement and Revitalization District was part of this support. Mr. Lamberson said that they were separate from the DBA; however, many of the same people are involved in both organizations.

Mayor Nabours asked Mr. Lamberson if they were okay with the date change. Mr. Lamberson replied that he was in favor of the date, to take advantage of the travelers from out of state and January sales tax is also weak, so it could work in either January or February.

Vice Mayor Evans said that she thought it was definitely a unique event, and because of that uniqueness they have positive things and challenges. She thought it was important to set a good example, and with their heavy encouragement for water conversation, using potable water was not in line with those efforts. She suggested they be using reclaimed water for the event and they need to push that effort forward.

She said that Mr. Wilson pointed out earlier in the year that not all of the costs were covered, and perhaps that is why no one responded to the RFP. They need additional sponsors and at higher levels. She said that they heard that sales taxes were up because of the event. She would like to find a way to really be able to talk about the sales tax that comes off this event.

She said that they have heard that some of the downtown businesses truly love this event, while others have to close. She was sure they could not please everyone, but she asked if there was a better way to understand the reasoning of why some businesses do not support it.

Councilmember Barotz echoed the comments of pursuing the process with ADEQ to ensure that in future years they could use reclaimed water.

Mayor Nabours said that he did not see this as wasting water, but rather using water to stimulate business and provide recreation, similar to the use of water at the Aquaplex or ice rink. He thought it would be great if they could use reclaimed water.

Moved by Mayor Jerry Nabours, seconded by Councilmember Jeff Oravits to approve the street closure on San Francisco Street between Birch Avenue and Dale Avenue on January 22, 2015 at 8:00 pm through January 25, 2015 at 11:59 pm; approve the street closure at Birch Avenue between Agassiz Street and San Francisco Street on January 23, 2015 at 8:00 am through January 25, 2015 at 11:59 pm; and approve the amplification exception (to allow start box commentary, play-by-play commentary) on Sunday, January 25, 2015 between the hours of 9:00am - 12:00 pm noon.

Vote: 7 - 0 Passed - Unanimously

- B. Consideration of Council Meeting Date Change:** November 2014 Dates due to Election of November 4, 2014, and Veterans Day Holiday of November 11, 2014.

Moved by Mayor Jerry Nabours, seconded by Councilmember Jeff Oravits to cancel the November 4, 2014, meeting and reschedule it for November 3, 2014.

Vote: 7 - 0 Passed - Unanimously

Moved by Mayor Jerry Nabours, seconded by Councilmember Mark Woodson to cancel the November 11, 2014, Work Session.

Vote: 7 - 0 Passed - Unanimously

18. DISCUSSION ITEMS

None

19. POSSIBLE FUTURE AGENDA ITEMS

Verbal comments from the public on any item under this section must be given during Public Participation near the beginning of the meeting. Written comments may be submitted to the City Clerk. After discussion and upon agreement of three members of the Council, an item will be moved to a regularly-scheduled Council meeting.

None

20. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, REQUESTS FOR FUTURE AGENDA ITEMS

Mr. Burke commented that it was a great County Fair.

21. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council of September 2, 2014, adjourned at 6:45 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

STATE OF ARIZONA,)
) ss.
Coconino County.)

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on September 2, 2014. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 16th day of September, 2014.

CITY CLERK